

Committee on International Relations
U.S. House of Representatives

Briefing and Hearing
“Enhancing the Global Fight to End Human Trafficking”
September 26, 2006, 10:00 a.m.

**Statement by Congressman Christopher H. Smith
Vice Chairman**

I am pleased to convene this briefing and hearing of the full committee to examine means to enhance the global fight to end human trafficking.

When I held the first hearing on trafficking as chairman of the Subcommittee on International Operations and Human Rights back in 1999, only a handful of countries had laws explicitly prohibiting the practice of human trafficking. Individuals who engaged in this exploitation did so without fear of legal repercussions. Victims of trafficking were treated as criminals and illegal immigrants, and had no access to assistance to escape the slavery-like conditions in which they were trapped. Few seemed to even be aware that this modern form of slavery was taking place, and those who did failed to recognize it as a violation of fundamental human rights.

However, the situation has changed markedly over the past six year. Significant credit for improvements must be attributed to the enactment of the Trafficking Victims Protection Act of 2000, together with two reauthorizations of that Act in 2003 and 2005, all of which I sponsored. These three laws created a comprehensive framework for combating trafficking in persons abroad, as well as the trafficking of American girls and young women within the United States. These three laws are a superb example of what

we can accomplish when we work in a bi-partisan way so I thank Tom Lantos for his extraordinary partnership. As a result of these three laws our government has been a leader in addressing this serious human rights violation and encouraging other governments to do the same.

Just this past weekend, I experienced the impact of this leadership during a trip to Iraq. Millions of people who lack job opportunities are misled by ads for well-paying jobs and leave their countries for what is presented to them to be the chance of a lifetime. Last year, the *Chicago Tribune* did a series of articles detailing a practice by employment brokers and subcontractors to bring laborers into Iraq through fraud or coercion. The seizure of the workers' passports and recruitment "fees" made it difficult for them to escape employment in a war zone. After the State Department trafficking report confirmed this practice, my Subcommittee held a hearing in which Colonel Robert Boyles testified that the military had issued an order that all contracts include a clause allowing termination without penalty, prohibits the use of unlicensed employment brokers, and ends the practice of confiscating worker passports.

With the compliance inspections set to begin this month, one of the major objectives of my visit to Iraq was to ensure that the order on labor trafficking would be enforced. Major General Bruce Moore, the Chief of Staff for our military in Iraq, assured me that compliance was being checked on this. As of the time of our subcommittee hearing, 90% of the contracts had been modified, and the military is ensuring that the other 10% will be modified and that implementation of the order will be complete.

Also on my trip this weekend, I spoke with State Department officials about trafficking in Kuwait and Germany. According to reports earlier this year, more than 40 Indian youth had been stranded in Kuwait when their passports had been confiscated by unscrupulous job brokers and had been penalized by Kuwaiti police. State Department officials told me that they have launched an aggressive program entitled FALCON for Fostering Awareness of Labor Conditions to let foreign workers know their rights. In Germany, State Department officials described efforts to discourage patronage of brothels during the World Cup earlier this year in which women and girls were coerced into prostitution. Efforts were especially concentrated on ensuring that the U.S. military did not patronize such establishments. Since the end of the World Cup, the United States has continued to work with the German government to ensure that coerced prostitution is ended to the extent possible and facilities are established to help prostitutes who want to escape that life.

One of the key components of the 2000 Act is the requirement that the Secretary of State provide Congress with a list of those countries whose governments are not fully complying with minimum standards to eliminate trafficking and are not making significant efforts to do so. These countries, designated as “Tier 3,” may be subject to certain sanctions, including the withholding of non-humanitarian, non-trade-related assistance. These sanctions can be waived if the government makes significant efforts to comply with the minimum standards, or pursuant to a determination by the President that the provision of assistance would promote the purposes of the statute or is otherwise in the national interest of the United States. The President is to submit a notification to

Congress no later than 90 days from the submission of the annual report as to the determination made for each Tier 3 country. I have received numerous reports from our government representatives and non-governmental organizations as to how the implementation of this tier ranking and the consequent threat or imposition of sanctions have dramatically impacted the trafficking practices in the relevant countries.

The determinations for 2006 were due on September 1st, and it was the intention of this Committee to examine those determinations at this hearing. It is therefore deeply disappointing that the determinations still have not been provided by the President three weeks later. This raises grave concerns that will need to be examined later in the hearing, including whether the Administration is giving due priority to its stated commitment to combat human trafficking. This delay past the legislative mandate sends the wrong message to these Tier 3 countries as to the urgency with which this serious human rights violation needs to be addressed. And in this instance, it is a missed opportunity to apply additional pressure on these countries through the attention that would have been focused on them at this important hearing.

We will, however, have the opportunity to inquire about the implementation of the Department of Health and Human Services' assistance program as mandated by the 2000 Act. The purpose of such programs is to expand benefits and services to trafficking victims in the United States without regard to the victim's immigration status. Unfortunately, evidence of the need for such assistance within our own country is growing. Just this month, it was reported that a woman from my home state of New

Jersey pled guilty to being part of a smuggling ring that brought in more than 20 young women and teenagers from Honduras to work in a bar. These women were virtually imprisoned in apartments, and are alleged to have been beaten, raped, and subjected to forced abortions.

Such horrific stories make us all too aware that this modern form of slavery has silently infiltrated and poisoned the fabric not only of the United States, but of virtually every society around the world. It is extremely important that this awareness be amplified, so that public outrage will further motivate those of us in government, shame those who are creating the demand for trafficking victims, and ultimately stop those responsible for perpetrating these human rights violations. We are privileged to have with us today a prominent public figure who is using his position on the world stage to publicize the reality and prevalence of human trafficking. Not only has Ricky Martin given his time and talent to promote the cause as a goodwill ambassador for the United Nations Children's Fund, but he has also established a foundation that is engaged in numerous activities on behalf of trafficking victims and children. As just one indication of his personal commitment to the most vulnerable among us, he visited the affected areas in Thailand following the 2004 tsunami. In April 2005, he entered into a partnership with Habitat for Humanity to construct over 220 homes to provide shelter and safety, particularly for those children orphaned by the disaster.

We look forward to hearing from all our witnesses, and I thank you for joining us today.